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Attorneys for Plaintiff
MMCA Group, Ltd.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MMCA GROUP, LTD., a Virginia
 corporation,

Plaintiff

v.

HEWLETT-PACKARD COMPANY, a
 Delaware corporation, PINKERTON'S,
 INC., a Delaware corporation, d/b/a
 PINKERTON CONSULTING &
 INVESTIGATIONS – EUROPE,
 BUSINESS RISKS INTERNATIONAL,
 LIMITED, an United Kingdom
 corporation d/b/a PINKERTON
 CONSULTING & INVESTIGATIONS –
 EUROPE, PICA, an Ohio corporation,

Defendants.

Civil Action No. CV 06-07067-MMC (EMC)

**STIPULATION AND ~~PROPOSED~~ ORDER
 EXTENDING BRIEFING SCHEDULE AND
 HEARING DATE FOR DEFENDANT
 HEWLETT-PACKARD'S MOTION FOR
 PARTIAL SUMMARY JUDGMENT/
 JUDGMENT ON THE PLEADINGS**

[Fed. R. Civ. Proc. 6(b), Civil L.R. 6-1, 6-2, 7-1,
 7-12]

[No Hearing Required]

Judge: Hon. Maxine M. Chesney

I. INTRODUCTION

Plaintiff MMCA Group Ltd. ("MMCA") and Defendant Hewlett-Packard Company ("HP") submit this stipulation and [proposed] order pursuant to Federal Rule of Civil Procedure 6(b) and Civil Local Rules 6-1, 6-2, 7-1, and 7-12, requesting that the Court extend the briefing schedule and continue the hearing date on HP's Motion for Partial Summary Judgment/Judgment on the Pleadings. Defendant's Motion is currently scheduled to be heard on December 5, 2008, and Plaintiff's opposing papers are due on November 14, 2008. The parties have stipulated and hereby request that the Court continue the hearing to December 19, 2008, with MMCA's opposition due on November 28, 2008, and HP's reply due on December 5, 2008.

II. BACKGROUND

On October 31, 2008, Defendant Hewlett-Packard filed a Motion for Partial Summary Judgment, or, in the Alternative, Judgment on the Pleadings (Defendant's Motion). The hearing for Defendant's Motion is currently set for December 5, 2008, and Plaintiff's opposition is currently due on November 14, 2008.

On November 5, 2008, MMCA's attorney Kenneth Frucht called HP's attorney David Cannon and requested that HP stipulate to an extension of the briefing schedule and a continuance of the hearing on Defendant's Motion. Mr. Frucht explained that the basis for his request was the following:

- a) One of the firms currently representing Plaintiff in this matter – Litton & Geonetta LLP, is dissolving, and attorney Marc Litton will no longer be working on this matter. Matters related to the dissolution of Litton & Geonetta, LLP, as well as the loss of one of the attorneys actively working on the case, makes it virtually impossible for Plaintiff to prepare the opposition by November 14, 2008.
- b) Plaintiff's attorney Kenneth Frucht is traveling to Seattle on November 12, 2008, for a deposition scheduled for November 13, 2008, and he has another deposition scheduled in Oakland on November 14, 2008, making it impossible

1 for him to actively work on the opposition in the two days before the opposition
2 is currently due.

3 c) Plaintiff will need to obtain declarations from one or more witnesses who live
4 outside of the United States, adding substantially to the time it will take to
5 prepare the opposition papers.

6 Mr. Cannon agreed to continue the briefing and trial dates so that Plaintiff's opposition
7 will be due on November 28, 2008. Accordingly, Defendant's Reply would be due on
8 December 5, 2008, and the hearing would be held on December 19, 2008.

9 Trial in this matter is currently set for October 13, 2009 and the non-expert discovery
10 cut-off is April 30, 2009. Accordingly, an extension of the briefing schedule and continuance
11 of the hearing date on Defendant's Motion will not effect any other dates in this case.

12 **III. GOOD CAUSE EXISTS TO EXTEND THE BRIEFING AND TRIAL**
13 **DATES**

14 Given the circumstances described above and in the declaration of Kenneth Frucht, it is
15 not possible for Plaintiff to adequately respond to Defendant's Motion under the current
16 briefing schedule. The parties have agreed to a two-week extension of the relevant dates, and
17 such an extension will allow the issues presented in Defendant's Motion to be fully and
18 adequately briefed by all parties.

19 **IV. CONCLUSION**

20 For the reasons set forth above, the parties respectfully request that the Court enter the
21 proposed order continuing the hearing and the briefing schedule on Defendant's Motion as
22 follows:

23 Plaintiff's Opposition Due Date:	November 28, 2008
24 Defendant's Reply Due Date	December 5, 2008
25 Hearing On Defendant's Motion	December 19, 2008

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2 Dated: November 7, 2008


By:

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9 Dated: November 7, 2008

By:



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2 Dated: November 7, 2008

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Continuing Hearing

~~Proposed~~ Order Extending Discovery Deadlines


IT IS HEREBY ORDERED that the schedule related to Defendant HP's Motion for Summary Judgment/Judgment on the Pleadings is modified as follows:

Plaintiff's Opposition Due Date:	November 28, 2008
Defendant's Reply Due Date	December 5, 2008
Hearing On Defendant's Motion	December 19, 2008

All other deadlines in this case remain unchanged.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: November 10, 2008


Hon. Maxine M. Chesney
United States District Judge